



PATENT  
ATTORNEY DOCKET NO.: 040894-5774-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| In re Application of:       | ) |                                    |
|                             | ) | Group Art Unit: Unassigned         |
| Masashi SANO, et al.        | ) |                                    |
|                             | ) | Examiner: Unassigned               |
| Application No.: 10/630,657 | ) |                                    |
|                             | ) | <b>Mail Stop Non-Fee Amendment</b> |
| Filed: July 31, 2003        | ) |                                    |
|                             | ) |                                    |
| For: PHOTO-INTERRUPTER AND  | ) |                                    |
| SEMICONDUCTOR DEVICE        | ) |                                    |
| USING THE SAME              | ) |                                    |

**Mail Stop Non-Fee Amendment**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**SUPPLEMENTAL PRELIMINARY AMENDMENT**

Prior to the examination of the above-identified application on the merits, and as a supplement to the Preliminary Amendment filed on July 31, 2003 in the above-referenced divisional application, please amend the application as follows:

**IN THE DRAWINGS:**

In a Submission of Replacement Drawing Sheets filed concurrently herewith, it is respectfully requested to replace the nine (9) previously-filed drawing sheets with the attached nine (9) sheets of replacement drawings.

In the Replacement Drawing Sheets, Figure 1 has been amended by adding labels 6 and 7 as depicted on the replacement drawings sheet in accordance with the recitation at pages 15-16, and Figures 3, 5, 8-10, and 14 have been labeled as "Prior Art."

It is respectfully submitted that these changes introduce no new matter as they conform to the specification and/or drawings as originally filed, pursuant to 37 C.F.R. § 1.81(d).



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Sir:

**SUPPLEMENTAL PRELIMINARY AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Supplemental Preliminary Amendment in the above referenced application.
2. Additional papers enclosed:
  - ☐ Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent
  - ☒ Submission of Replacement Drawing Sheets (Nine (9) replacement sheets of formal patent drawings containing fourteen (14) figures)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>         | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month    | \$ 110.00                | \$ 55.00                      |
| <input type="checkbox"/> two months   | \$ 420.00                | \$ 210.00                     |
| <input type="checkbox"/> three months | \$ 950.00                | \$ 475.00                     |
| <input type="checkbox"/> four months  | \$ 1,480.00              | \$ 740.00                     |

Extension of time fee due with this request: \$ 0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |              |            |
|---|---|-------|--------------------------------|------------------|--------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of   | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 7   | minus | 20                             | 0                | x \$18 each= | + \$0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 1   | minus | 3                              | 0                | x \$86 each= | + \$0.00   |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$290.00     | + \$0.00   |
| SUB-TOTAL =   |   |       |                                |                  |              | \$0.00     |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |              | - \$0.00   |
| TOTAL FEE =   |   |       |                                |                  |              | \$0.00     |

6. Fee Payment

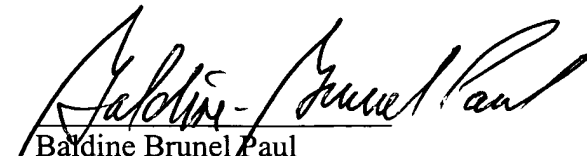
- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: November 12, 2003

By:

  
 Bardine Brunel Paul  
 Registration No. 54,369

Customer No. 09629

**MORGAN, LEWIS & BOCKIUS LLP**

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